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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,754	12/21/2001	Lucio Pieroni	AA510	3766
27752	7590	11/10/2004		
THE PROCTER & GAMBLE COMPANY INTELLECTUAL PROPERTY DIVISION WINTON HILL TECHNICAL CENTER - BOX 161 6110 CENTER HILL AVENUE CINCINNATI, OH 45224			EXAMINER SPISICH, MARK	
			ART UNIT 1744	PAPER NUMBER

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,754

Applicant(s)

PIERONI ET AL. S. Go

Examiner

Mark Spisich

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9, 12 and 18-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9, 12 and 18-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6 October 2004 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Enoch (USP 5,881,418) in view of EITHER Hart (USP 3,316,428) OR JP 8-126786. The patent to Enoch discloses a hand-held scrubbing device comprising a casing (10) having a generally wand-like shape which includes two halves with a gasket (38) there between (i.e. it is waterproof; also see column 3, lines 32-35) and an interior area including a motor (12), battery (14), dispensing chamber (28), orifice (30), dispensing activator (32) at least indirectly coupled to a dispensing mechanism (69,70) and a scrubbing surface (26) and further wherein the device is configured to have an axis thereof pass through the scrubbing member. The patent to Enoch discloses the

invention substantially as claimed with the exception of the vibration buffer. Any device which includes a motor would have some degree of undesired vibration to the user's hands (if mounted in a portable housing/handle). Each of Hart (30,32,38 and column 3, lines 16-25) and JP '786 (3) include means for isolating or reducing vibrations produced by a motor. One of ordinary skill would deem it obvious to have provided such a means to Enoch for the purpose of reducing vibrations to the user's hand.

4. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Enoch (USP 5,881,418) in view of Ferguson et al (USP 3,272,023). The patent to Enoch discloses a hand-held scrubbing device comprising a waterproof (see above) casing (10) and an interior area comprising a motor (12), batter (14), dispensing chamber (28), orifice (30), dispensing activator (32) at least indirectly coupled to a dispensing mechanism (69,70), a scrubbing surface (26) and a motor activator (20). The patent to Enoch discloses the invention substantially as claimed with the exception of the particular motor activator. The patent to Ferguson discloses a hand-operated motor (18) driven device as well as a motor activator (23) in the form of a pushbutton switch wherein the switch is opened upon removal of digital pressure therefrom (column 3, lines 60-75). It would have been obvious to one of ordinary skill to have substituted any known motor switch known in the art for the one of Enoch as they are art-recognized equivalents and in particular as a safety feature so the motor did not run when unintended.

5. Claims 12,18,20-22 and 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enoch (USP 5,881,418) in view of Palaikis (USP 5,507,968). The

patent to Enoch discloses a hand-held scrubbing device comprising a waterproof casing (10) with an interior area including a motor (12), battery (14), dispensing chamber (28) and an exterior area comprising a orifice (30), dispensing activator (32) and scrubbing surface (26) in the form of a sponge cleaning member (column 2, line 40). The patent to Enoch discloses the invention substantially as claimed with the exception of (1) the scrubbing surface including a "controlled release technology" (claim 12) and (2) the scrubbing surface comprising a non-woven fabric (claim 18). The patent to Palaikis discloses a cleaning material/pad which may be any number of different materials including sponge as well as non-woven fabrics (column 7, lines 21-67) and which cleaning pads include a "controlled release technology" (see the entire patent and especially column 5, lines 41-67). It would have been obvious to one of ordinary skill to have modified the scrubbing member (26) of Enoch as suggested by Palaikis so as to slowly reduce the detergent therein and because Palaikis further teaches that the art has recognized that sponges and non-woven fabrics may be interchanged. The weight or density of the device (claim 26) as well as the noise produced (claim 27) would amount to obvious optimization of the prior art (to make it lighter as well as quieter). The patent to Enoch, as mentioned above, discloses a cleaning device including a compartment/reservoir (28) for containing any liquid detergent which is suitable for the intended use and thus teaches broad "kit" encompassed by claim 29. With regard to the specific detergent, the subject matter of claims 30-32 is not asserted to be novel and a merely exemplary detergents desired to be used in the claimed apparatus. It is further

noted that applicant did not argue these claims on their own merit and only argued the independent claim 18 from which they depend.

6. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Enoch (USP 5,881,418) and Palaikis (USP 5,507,968) as applied to claim 18 above, and further in view of Madison (USP 5,423,102). The patent to Enoch discloses the invention substantially as claimed with the exception of a rechargeable battery. The patent to Madison discloses a battery (54) which may be charged with a charging port (56). It would have been obvious to one of ordinary skill to have modified the device of Enoch as such so that the batteries need not be replaced.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Madison (USP 5,423,102) in view of Fry et al (USP 4,724,563) and further in view of either Hart (USP 3,316,428) OR JP 8-126786. The patent to Madison discloses a hand-held scrubbing device (10) comprising a casing (12), motor (20), battery (54), dispensing chamber (84) including a fluid (F), a dispensing orifice (90) joined to a dispensing mechanism and a dispensing activator (38) and a scrubbing surface (eg, 74) joined to the motor. The patent to Madison discloses that the cleaning device is used with a cleaning fluid but fails to specifically state that the housing is "waterproof". The concept of providing a waterproof or water tight housing is well known in the art and is taught by Fry (column 4, lines 25-26). It would have been obvious to one of ordinary skill to have modified the device of Madison as taught by Fry to minimize the change of water or cleaning fluid damaging the contents of the casing. The device of Madison is elongate and the scrubbing member thereof is located at an end of the casing and faces

generally along the axis of the casing. **"Generally wand-like"** (claim 9, line 19) is much broader than that asserted by applicant. With regard to the vibration buffer, pretty much any device with a motor located within a hand-held casing would at least attempt to limit vibrations of the hand held portion. Evidence of this is found in both Hart and JP '786, as described above. The modification of Madison as such would be obvious to one of ordinary skill to minimize unwanted vibrations to the user's hand.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Madison (USP 5,423,102) in view of Fry et al (USP 4,724,563) and further in view of Ferguson et al (USP 3,272,023). The prior art discloses the invention substantially as claimed (as described above) with the exception of the nature of the motor actuator. The patent to Ferguson discloses a hand-operated motor (18) driven device as well as a motor activator (23) in the form of a pushbutton switch wherein the switch is opened upon the removal of digital pressure therefrom (column 3, lines 60-75). It would have been obvious to one of ordinary skill to have substituted any known motor switch known in the art for the one of Madison as they are art-recognized equivalents and in particular as a safety feature to the motor did not rub when unintended.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lanusse (USP 3,943,591) in view of Fry et al (USP 3,724,563) and further in view of either Hart (USP 3,316,428) or JP 8-126786. The patent to Lanusse discloses a cleaning device (1) comprising an interior area comprising a motor (15), battery (22), dispensing chamber (2), orifice (7) for supplying a cleaning fluid, dispensing activator (24) and scrubbing surface (11). The embodiment of figure 3, which has the generally wand-like

configuration is said to have particular utility for cleaning dishes or the like and scouring pans (column 4, lines 13-24). This embodiment has all of the elements of figure 1 and differs only in the external shape thereof. The concept of providing a waterproof housing for a powered cleaning device is well known in the art and is taught by Fry (column 4, lines 25-26) and it would have been obvious to modify the device of Lanusse as such to minimize any water damage to the internal components. With regard to the vibration buffer, see the comments above.

10. Claims 18 and 20-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madison (USP 5,423,102) in view of Fry et al (USP 4,724,563) and Palaikis (USP 5,507,968). The patent to Madison as modified by Fry discloses the invention substantially as claimed with the exception of the scrubbing surface being a non-woven fabric. Madison also discloses a number of different cleaning members (see figs 3-5D) which may be selectively attached to the device. The use of non-woven fabrics for the purpose of providing a scrubbing/cleaning surface is well known in the cleaning art (see Palaikis; especially column 7, lines 21-46) and the provision of another and different cleaning surface to the device of Madison would be obvious to one of ordinary skill to suit the particular intended use. With regard to claim 23, the dispensing chamber (84) is removable. The battery (54) of Madison is rechargeable (column 3, lines 59-68) (claim 24) and the device includes a pivoting portion (16) to which the scrubbing surface is attached (claim 25). The subject matter of claims 26-32 was addressed previously and need not be repeated.

Response to Arguments

11. Applicant's arguments filed 6 October 2004 have been fully considered but they are not persuasive. Applicant provided an "exhibit" regarding the term (non-woven material). The examiner is well aware of non-woven fabrics used for cleaning and never contested the meaning of the term as argued by applicant. The examiner contested the interpretation of the term as **claimed**. Claim 18, for example, merely recited a non-woven **material**. Applicant's comments regarding claim 19 are moot in view of the new ground of rejection. A new prior art reference has also been applied to claim 18 (as amended) in view of the recitation of a non-woven **fabric**. It is pointed out that the present application is a battery-powered motor drive scrubbing device with a detergent supply. The application was not at all concerned with the particular nature of the scrubbing surface (column 6, lines 19-27) and pretty much included a laundry list of all known scrubbing materials. The non-woven fabric now recited in claim 18 is still a well known cleaning material. Applicant may find it difficult to argue criticality of this feature when the specification does not support such an argument. With regard to claim 9, the term "**generally wand-like**" (claim 9, line 19) is broad and that the device of Madison is at least configured in the manner required by the claim. The problem solved by the patent to Hart (and now also JP 8-126786) is applicable to any device which includes a motor in that obviously vibrations to the user's hand would desirably want to be reduced. Applicant's argument per amended claim 12 is moot in view of the new ground of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (571) 272-1278. The examiner can normally be reached on M-Th (5:30-3:00), Alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Spisich
Primary Examiner
Art Unit 1744

MS